

involves an inadvertently omitted date code containing the week and year of manufacture designation.

The agency believes that in the case of a tire mislabeling noncompliance, such as this, the true measure of its inconsequentiality to motor vehicle safety is, if the tires were to be recalled for a performance-related noncompliance, that was consequential to safety, whether the mislabeling would affect the manufacturers's ability to locate them. Cooper states that in the event of recall, the non-complying tires have a unique DOT identification (i.e., the lack of a date code) that would allow Cooper to notify the purchasers, if the tires have been properly registered by the retailer or the purchaser. Therefore, if the need arises, identifying the subject tires for any future recalls should not present a problem.

In consideration of the foregoing, NHTSA has decided that the applicant has met its burden of persuasion that the noncompliance it describes is inconsequential to safety. Accordingly, its application is granted, and the applicant is exempted from providing the notification of the noncompliance that is required by 49 U.S.C. 30118, and from remedying the noncompliance, as required by 49 U.S.C. 30120.

(49 U.S.C. 30118, 30120; delegations of authority at 49 CFR 1.50 and 501.8)

Issued on: May 20, 1998.

L. Robert Shelton,

Associate Administrator for Safety Performance Standards.

[FR Doc. 98-14002 Filed 5-26-98; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 33596]

Capital Metropolitan Transportation Authority—Acquisition Exemption—City of Austin, TX

Capital Metropolitan Transportation Authority (Capital Metro),¹ a noncarrier, has filed a notice of exemption under 49 CFR 1150.31 to acquire the City of Austin's Giddings-Llano line, a 162 mile continuous railroad right-of-way (including spurs), extending from SPTC milepost 57.00/AUNW milepost 0, near Giddings, TX, to SPTC milepost 99.04/AUNW milepost 154.07, near Llano, TX, including the Marble Falls Branch from milepost 6.2/AUNW milepost 61.2, near Marble Falls, TX, to SPTC milepost 0.0/AUNW milepost 124.7, near Fairland, TX.²

¹ Capital Metro is the Austin, TX, regional transit authority, a body corporate and political subdivision of the State of Texas.

² Capital Metro states that the line will continue to be operated by the Central of Tennessee Railway

The transaction is expected to be consummated on May 22, 1998.

If the verified notice contains false or misleading information, the exemption is void *ab initio*. Petitions to reopen the proceeding to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 33596, must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, N.W., Washington, DC 20423-0001. In addition, a copy of each pleading must be served on Monica J. Palko, Esq., Bracewell & Patterson, L.L.P., 2000 K Street, N.W., Suite 500, Washington, D.C. 20006.

Board decisions and notices are available on our website at "WWW.STB.DOT.GOV."

Decided: May 20, 1998.

By the Board, Joseph H. Dettmar, Acting Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. 98-13963 Filed 5-26-98; 8:45 am]

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& Navigation Company, Inc. d/b/a the Longhorn Railway.